

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:)
Shiro SAKA) Confirmation No. 6129
Serial No. 10/517,485) Group Art Unit: 1621
Filed: July 6, 2005) Examiner: Deborah D. Carr
For: METHOD FOR PRODUCING FATTY)
ACID ALKYL ESTER COMPOSITION)

PETITION TO WITHDRAW HOLDING OF ABANDONMENT
UNDER 37 CFR §1.181

Mail Stop Issue Fee

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

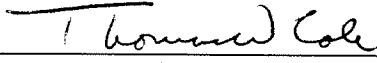
Applicant hereby petitions to withdraw holding of abandonment in the above-identified application.

A Notice of Abandonment dated March 5, 2007, was received for the above-identified application stating that the issue fee and publication fee was received on 10/10/06 (with a Certificate of Mailing or Transmission dated 10/10/06), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85). However, as can be seen from the attached, a Petition to Revive an Unintentionally Abandoned Application accompanied by the fee set forth in §1.17m was filed on October 10, 2006 along with the Part B – Fee(s) Transmittal Form for payment of the issue and publication fees. Thus, this application should not have been abandoned before a decision on the Petition to Revive an Unintentionally Abandoned Application.

Therefore, Applicant respectfully request that the holding of abandonment be withdrawn and that the Petition to Revive an Unintentionally Abandoned Application be considered and a decision issued.

Respectfully submitted,

Date: March 9, 2007



Thomas W. Cole
Registration No. 28,290

Customer No. 25570

Roberts Mlotkowski & Hobbes P.C.
P.O. Box 10064
McLean, VA 22102
Telephone: (703) 677-3001

Auto-reply fax to 703 848 2981 COMPANY:

Auto-Reply Facsimile Transmission



TO:

Fax Sender at 703 848 2981

Fax Information

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✓ 10/10/2006 8:04:47 PM [Eastern Daylight Time]
8 (including cover page)

ADVISORY: This is an automatically generated return receipt confirmation of the facsimile transmission received by the Office. Please check to make sure that the number of pages listed as received in Total Pages above matches what was intended to be sent. Applicants are advised to retain this receipt in the unlikely event that proof of this facsimile transmission is necessary. Applicants are also advised to use the certificate of facsimile transmission procedures set forth in 37 CFR 1.8(a) and (b), 37 CFR 1.6(f). Trademark Applicants, also see the Trademark Manual of Examining Procedure (TMEP) section 306 et seq.

Received
Cover
Page

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10/10/2006 20:06 FAX 703 848 2981		RMH Law	001/008
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TRANSMITTAL FORM <small>(to be used for all correspondence after initial filing)</small>		Application Number 10/517,485
		Filing Date July 6, 2005
		First Named Inventor Shiro SAKA
		Group Art Unit 1821
		Examiner Name Deborah D. Carr
Total Number of Pages in This Substantiation 8		Attorney/Deputy Number 039371-13

ENCLOSURES (check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment / Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/Declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Assignment Papers (for an Application) <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Declaration and Power of Attorney <input type="checkbox"/> Licensing-related Papers <input checked="" type="checkbox"/> Petition to Revoke or Unintentionally Abandoned Application <input type="checkbox"/> Petition to Convert to a Provisional Application <input checked="" type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s)	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply-Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> A self-addressed prepaid postcard for acknowledging receipt <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Part II - Fee(s) Transmittal

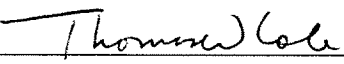
SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
First or Individual name Thomas W. Cole, Reg. No. 28,280 Roberts Mlotkowski & Hobbes P.C. P.O. Box 10064 McLean, VA 22102	Signature
Date October 10, 2006	

CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]	
I hereby certify that this correspondence is being:	
<input type="checkbox"/> deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop _____, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450	
<input checked="" type="checkbox"/> transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (571) 273-8300.	
Date <u>Oct 10, 2006</u>	Signature
	Typed or printed name Sharon L. Tabor

PAGE 118 * RCVD AT 10/10/2006 8:04:47 PM [Eastern Daylight Time] * SVR:USPTO-EFAX-311 * DNS:2738300 * CSID:703 848 2981 * DURATION (mm-ss):02:46

TRANSMITTAL FORM <i>(to be used for all correspondence after initial filing)</i>		Application Number	10/517,485
		Filing Date	July 6, 2005
		First Named Inventor	Shiro SAKA
		Group Art Unit	1621
		Examiner Name	Deborah D. Carr
Total Number of Pages in This Submission	8	Attorney Docket Number	039371-13

ENCLOSURES (check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment / Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Assignment Papers (for an Application) <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Declaration and Power of Attorney <input type="checkbox"/> Licensing-related Papers <input checked="" type="checkbox"/> Petition to Revive an Unintentionally Abandoned Application <input type="checkbox"/> Petition to Convert to a Provisional Application <input checked="" type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> A self-addressed prepaid postcard for acknowledging receipt <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Part B - Fee(s) Transmittal
Remarks <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any additional fees required or credit any overpayments to Deposit Account No. 50-2478 for the above identified docket number.		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual name	Thomas W. Cole, Reg. No. 28,290 Roberts Mlotkowski & Hobbes P.C. P.O. Box 10064 McLean, VA 22102
Signature	
Date	October 10, 2006

CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]	
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<input checked="" type="checkbox"/> transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (571) 273-8300.	
<u>Oct. 10, 2006</u> Date	<u>Sharon L. Tabor</u> Signature Sharon L. Tabor Typed or printed name

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:)
Shiro SAKA) Confirmation No. 6129
Serial No. 10/517,485) Group Art Unit: 1621
Filed: July 6, 2005) Examiner: Deborah D. Carr
For: METHOD FOR PRODUCING FATTY)
ACID ALKYL ESTER COMPOSITION)

CERTIFICATE OF TRANSMISSION [37 CFR 1.8(a)]

I hereby certify that this correspondence is being transmitted by
facsimile to the USPTO at 571-273-8300, on Oct. 10, 2006.

Signature: Sharon L. Tabor
Name: Sharon L. Tabor

**PETITION TO REVIVE AN UNINTENTIONALLY
ABANDONED APPLICATION**

Attention: Office of Petitions
Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicant's attorney hereby petitions to revive the above-identified application which became abandoned for failure to pay the Base Issue Fee due Friday, October 6, 2006.

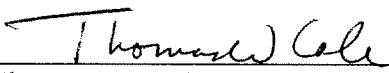
The entire one-day delay in payment of the Base Issue Fee was unintentional.

This petition is accompanied by the fee set forth in §1.17(m) and "Part B – Fee(s) Transmittal" form, along with payment of the Base Issue Fee itself.

The Commissioner is hereby authorized to charge the \$1,500.00 petition fee; \$1,400.00 issue fee, \$300.00 publication fee, and \$30 advance order fee, or credit any overpayments, to Deposit Account No. 50-2478 (039371-13). I have enclosed a duplicate copy of this paper.

Respectfully submitted,

Date: October 10, 2006



Thomas W. Cole
Registration No. 28,290

Customer No. 25570

Roberts Mlotkowski & Hobbes P.C.
P.O. Box 10064
McLean, VA 22102
Telephone: (703) 677-3001

PART B - FEE(S) TRANSMITTAL

Complete and send this form, together with applicable fee(s), to: **Mail** **Mail Stop ISSUE FEE**
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450
or Fax **(571)-273-2885**

INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Use Block 1 for any change of address)

22204

7590

07/06/2006

NIXON PEABODY, LLP
 401 9TH STREET, NW
 SUITE 900
 WASHINGTON, DC 20004-2128

Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

Certificate of Mailing or Transmission

I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO (571) 273-2885, on the date indicated below.

Sharon L. Tabor

(Depositor's name)

Sharon L. Tabor

(Signature)

October 10, 2006

(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/517,485	07/06/2005	Shiro Saka	742166-13	6129

TITLE OF INVENTION: METHOD FOR PRODUCING FATTY ACID ALKYL ESTER COMPOSITION

APPLN. TYPE	SMALL ENTITY	ISSUE FEE	PUBLICATION FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1400	\$300	\$1700	10/06/2006

EXAMINER	ART UNIT	CLASS-SUBCLASS
CARR, DEBORAH D	1621	554-169000

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

☒ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.

☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. **Use of a Customer Number is required.**

2. For printing on the patent front page, list

(1) the names of up to 3 registered patent attorneys or agents OR, alternatively,

(2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed.

Roberts Mlotkowski
& Hobbes

2 Thomas W. Cole

3

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

(B) RESIDENCE: (CITY and STATE OR COUNTRY)

Please check the appropriate assignee category or categories (will not be printed on the patent): ☐ Individual ☐ Corporation or other private group entity ☐ Government

4a. The following fee(s) are enclosed:

☒ Issue Fee

☒ Publication Fee (No small entity discount permitted)

☒ Advance Order - # of Copies 10

4b. Payment of Fee(s):

☐ A check in the amount of the fee(s) is enclosed.

☐ Payment by credit card. Form PTO-2038 is attached.

☒ The Director is hereby authorized by charge the required fee(s), or credit any overpayment, to Deposit Account Number 50-2478 (enclose an extra copy of this form).

5. Change in Entity Status (from status indicated above)

☐ a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27.

☐ b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

The Director of the USPTO is requested to apply the Issue Fee and Publication Fee (if any) or to re-apply any previously paid issue fee to the application identified above. NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

Authorized Signature

Thomas W. Cole

Date October 10, 2006

Typed or printed name

Thomas W. Cole

Registration No. 28,290

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

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